



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

07001

Michael O. Leavitt
Governor

Robert L. Morgan
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

(801) 538-5340 telephone

(801) 359-3940 fax

(801) 538-7223 TTY

www.nr.utah.gov

February 3, 2003

CERTIFIED RETURN RECEIPT

7099 3400 0016 8896 2758

Mr. Bryce Haas
B & H Stone Supply
331 East 200 South
Lindon, Utah 84042

Re: Notice of Non-Compliance and Division Directive, B & H Stone Supply, Un-named Mine, S/049/039, Utah County, Utah

Dear Mr. Haas:

This letter provides formal notice to you that mining operations at your un-named quarry (S/049/039) in Utah County are being conducted in violation of the Utah Mined Land Reclamation Act, 40-8-1 et. seq. (Act) and the Minerals Reclamation Program Rules, sections R647-1 through R647-5.

The Division had received notice from the public regarding a new stone quarry in the Emma Park area of Utah County (the North 1/2 of Section 33, Township 11 South, Range 9 East, SLBM). A Division inspector visited the site and while no one was there at the time, the inspector confirmed that there was equipment at the site and that there had been recent mining related activity. Further investigation concluded that the equipment on site was owned by B & H Stone Supply.

Finding of Non-Compliance

B & H Stone Supply has not filed a complete and adequate Notice of Intention to commence mining activities for this site. Section 40-8-13 of the Act and section R647-3-101 of the Minerals Rules requires the filing of a Notice of Intention with all the required information *before* operations begin.

Division Directive:

The mine operator is hereby directed to immediately cease all mining activities at this site until a complete Notice of Intention to Commence Mining Operations is filed with the Division and is either accepted (small mining operation) or approved (large mining operation) by the Division.

Page 2
Bryce Haas
S/049/039
February 3, 2003

Mitigation:

Within 14 days of receipt of this letter, submit the information requested in the Division's December 9, 2002 letter (copy attached), which described the deficiencies of the Notice of Intention to Commence Small Mining Operations that was filed with the Division on December 6, 2002. This includes remitting the appropriate permit fee of \$150.00 for a small mine.

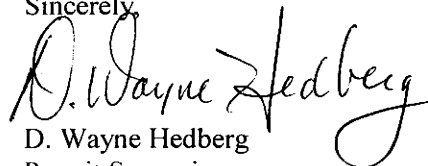
Consequences of Continued Non-Compliance

1. The operator's failure to resolve this Notice of Non-compliance within the timeframes set forth in this letter (unless otherwise extended) will result in the filing of an informal hearing before the Division Director, or a formal Notice of Agency Action before the Board of Oil, Gas and Mining. Following public notice and hearing, the Director or the Board may issue an abatement or compliance Order which may require: suspension or termination of all mining operations, immediate reclamation of all mining-related disturbances, and/or other lawful requirements as authorized under the Act.
2. The Board may also ask the county prosecutor or attorney general to bring suit against the operator to enforce its Orders and to seek assessment of appropriate penalties, not to exceed \$10,000 per violation for each willful and knowing violation of the Act.

If you wish to contest this Notice of Non-Compliance, you may contact the Division to schedule an informal meeting with the Associate Director of Mining and members of the Minerals Program staff. If you choose to appeal this Notice and arrange an informal meeting, please contact Vickie Southwick, Executive Secretary, at (801) 538-5304, within 10 days of your receipt of this notice.

If you have any questions regarding this Notice please contact me at (801) 538-5286, or Lynn Kunzler (801) 538-5310. Thank you for your immediate attention to this matter.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb

Mary Ann Wright, DOGM
Lynn Kunzler, DOGM
Vickie Southwick, DOGM

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Notice of Non-Compliance Supplemental Information
Bryce Haas – B & H Stone Supply
Unnamed Project
S/049/039

Location of Mining Operation

This unnamed quarry is located in the North 1/2 of Section 33, T11S, R9E, SLBM, Utah County, Utah.

Background Information and Chronology

- 12/6/2002 DOGM received SMO from B & H Stone Supply.
- 12/9/2002 DOGM returned notice and insufficient permit fee check to operator outlining the items that need to be completed. This letter advised operator that no mining activity may take place without first receiving written acceptance of the Notice.
- 01/21/2003 DOGM was notified of recent mining activity in the Emma Park area of Utah County.
- 01/22/2003 DOGM inspector (Karl Housekeeper) visits the site and confirms recent activity and equipment on site.



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Division Director

5/049/057

December 9, 2002

Bryce H. Haas
331 East 200 South
Lindon, Utah 84042

Re: Deficient Notice of Intention to Commence Small Mining Operations, Unnamed Mine, Utah County, Utah

Dear Mr. Haas:

On December 9, 2002, we received your \$100.00 check and your Notice to Commence Small Mining Operations for your proposed Unnamed small mining operation located in Section 33, T11S, R9E. In performing a cursory review of the notice, we find the notice to be incomplete; therefore, **we have enclosed and are returning your notice and \$100.00 check #30135 to you.** We will not assign a file number for this project until we receive a complete notice.

The form you submitted is dated 2000, which has been revised due to the legislature increasing our permit fees. As you will see, the fees for small mining operations have been increased to \$150.00. We have enclosed the revised small mining Notice form for your use.

When you resubmit the notice, please assure that the form is complete. There are several items that have not been completed.

- 1) Page 1 asks for the mine name. This has been left blank.
- 2) Also item #2 on page 1 asks for the operator/applicant name. You listed yourself, but state you are a corporation. The corporation/company name needs to be listed here. Please assure that the corporation/company is registered with the Department of Commerce, Division of Corporations. Unless you recently renewed your business license, B & H Stone Supply, LLC's license expired in July, 2002 for failure to renew.
- 3) Page 2: item #6 has not been completed.
- 4) Page 2: #11.2 requires the location be identified to the 1/4 1/4 1/4 section.
- 5) Page 2: Item #2 requires a topographic base map be submitted along with the notice. The map must clearly outline the area of the proposed disturbance so it can be located on the ground. A map was not included with your notice.

Page 2
Bryce H. Haas
Deficient Notice
December 9, 2002

6) Page 4 item #V regarding variances has not been completed.

Please assure that **all** items have been completed. Please be advised that no mining activity may take place without first receiving written acceptance from this office.

If you have any questions regarding this letter, please contact Lynn Kunzler at 538-5310.

Sincerely,

A handwritten signature in cursive script, reading "Joelle Burns".

Joelle Burns
Engineering Tech

Enclosure: Original MR-SMO and check #30135. blank MR-SMO form
O:\M049-Utah\Haas-deficient-SMO.doc

Assigned DOGM File No.: S / /

DOGM Lead: _____

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5291
Fax: (801) 359-3940

RECEIVED

DEC 06 2002

DIV. OF OIL, GAS & MINING

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program.

"Small Mining Operations" means mining operations which disturb five or less surface acres at any given time.

*Insufficient Notice
Returned 12/7/02*

I. GENERAL INFORMATION (Rule R647-3-104)

1. Name of Mine: _____

2. Name of Operator/Applicant: Bryce H Haas
Company () Corporation (X) Partnership () Individual ()

3. Permanent Address: 331 East 200 South
City: Lindon State: UT Zip Code: 84042
Telephone Number: (801) 397-2228 Fax: (801) 397-2227

4. Ownership of Land Surface:

Private (Fee) Public Domain (BLM) National Forest (USFS)

State Trust Land/School Sections State Sovereign Lands

Other (please describe): SBLM (Jensen Land)

Name James T. Jensen Address 2961 Caitland Court, SLA UT 84121

Name Jerry J. Jensen Address _____

Name Dix Jensen Address _____

Name _____ Address _____

5. Ownership of Minerals:

Private (Fee) Public Domain (BLM) National Forest (USFS)

State Trust Land/School Sections State Sovereign Lands

Other (please describe): SBLMName James T. Jensen Address 2961 Cantland Court, SLC, UT 84121Name Jerry J Jensen Address _____Name Dix Jensen Address _____

Name _____ Address _____

Utah Mining Claim Number(s): _____

Utah State Lease Number(s): _____

Name of Lessee(s) _____

6. Have the above surface and mineral owners been notified in writing?

Yes _____ No _____

If no, why not? _____

Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration **prior** to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.

7. Does the operator have legal right to enter and conduct mining operations on the land covered by this notice? Yes ☒ No _____II. PROJECT LOCATION & MAP (Rule R647-3-105)

1. Project Location (legal description):

County(ies): Utah

_____ 1/4, of _____ 1/4, of _____ 1/4:	Section: <u>33</u>	Township: <u>11 So</u>	Range: <u>9 East</u>
_____ 1/4, of _____ 1/4, of _____ 1/4:	Section: _____	Township: _____	Range: _____
_____ 1/4, of _____ 1/4, of _____ 1/4:	Section: _____	Township: _____	Range: _____

UTM East _____ (if known) UTM North _____ (If known)

Name of Quad Map for Location _____

2. A topographic base map showing the location of the proposed small mining operation must be submitted with this notice. A USGS 7.5 minute series map is preferred. The areas to be disturbed should be plotted in sufficient detail so that they can be located on the ground. It is recommended that the operator also photo document, plot and label any pre-existing disturbances in the immediate vicinity that he is not responsible for.

3. The proposed (5 acre or less) disturbed area boundary (including access/haul roads) must be marked in the field ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers must be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

III. OPERATION PLAN (Rule R647-3-106)

1. Type of mining: Surface Underground
2. Mineral(s) to be mined: sandstone
3. Will any water, liquid chemicals, reagents, or other solutions be used, produced or discharged as part of the mining or milling process?
Yes ☐ No ☒ If yes, please describe (add extra pages if needed) _____
4. Provide a brief description of the proposed mining operation and onsite processing facilities (add extra pages if necessary). remove landscape rock from surface
5. New Road(s): Length _____ (ft) Width _____ (ft)
6. Improved Road(s): Length _____ (ft) Width _____ (ft)
7. Total project surface acreage to be disturbed: 1 (acres)
8. Proposed startup date of project (month, year) April 2003
9. Proposed completion date of project, if known (month, year) _____

IV. OPERATION AND RECLAMATION PRACTICES (Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover. To accomplish this, the operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining:

1. Keep the mining operation in a safe, clean, and environmentally stable condition.
2. Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.
3. Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.
4. Construct berms, fences, or barriers, when needed, above highwalls and excavations.
5. Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.

6. Remove all waste or debris from stream channels.
7. Dispose of any trash, scrap metal, wood, machinery, and buildings.
8. Conduct mining activities so as to minimize erosion and control sediment.
9. Reclaim all roads that are not part of a permanent transportation system.
10. Stockpile topsoil and suitable overburden prior to mining.
11. Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.
12. Properly prepare seedbed to a depth of six inches by ripping, discing, or harrowing. Leave the surface rough.
13. Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)
14. Plant the seed with a rangeland or farm drill, or if broadcast seeded, harrow or rake the seed 1/4-1/2 inch into the soil - fall is the preferred time to seed.

V. VARIANCE REQUEST (Rule R647-3-110)

Yes No

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above, should be identified below and justification given for the variance request(s).

<u>Item Number</u>	<u>Variance Request Justification</u>
_____	_____
_____	_____
_____	_____

VI. PERMIT FEE [Mined Land Reclamation Act 40-8-7(I)]

The Utah Mined Land Reclamation Act of 1975 [40-8-7 (I)] provides the authority for the assessment of permitting fees. Commencing with the 1998 fiscal year (July 1 - June 30), permit fees are assessed to new and existing notices of intention and annually thereafter, until the project disturbances are successfully reclaimed by the operator and released by the Division.

Small Mining Notices require a \$100.00 fee which must accompany this application or it cannot be processed by the Division.

VII. SIGNATURE REQUIREMENT

I hereby commit to conduct mining operations and to reclaim the aforementioned small mine as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

Signature of Operator/Applicant: _____

Name (typed or printed): _____

Title/Position (if applicable): _____

Date: _____

Bryce H. Haas
Bryce H. Haas
President/owner
11-20-02

B & H STONE SUPPLY, LLC
331 EAST 200 SOUTH
LINDON, UT 84042
(435) 528-5342

FAR WEST BANK
OREM, UT 84097
97-225/1243

30135

11/20/2002

PAY TO THE ORDER OF State Of Utah - Division Of Oil, Gas And Mining

\$**100.00

One Hundred and 00/100*****

DOLLARS

State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-5801

MEMO

Ray N K

INTUIT INC. 1-800-433-8810